MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Simmons (12th)

To: Judiciary, Division B

SENATE BILL NO. 2155

AN ACT TO EXPAND OFFENDERS' ACCESS TO ADMINISTRATIVE REDUCTIONS IN TIME THROUGH THE TRUSTY-TIME PROGRAM AND THE EARNED-TIME ALLOWANCE PROGRAM; TO PROVIDE THAT OFFENDERS CONVICTED OF CRIMES THAT PROHIBIT REDUCTIONS IN SENTENCE SHALL BE INELIGIBLE FOR SUCH PROGRAMS; TO AMEND SECTIONS 47-5-138.1, 47-5-139 AND 47-7-3.2, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-138.1, Mississippi Code of 1972, is amended as follows:

47-5-138.1. (1) In addition to any other administrative reduction of sentence, an offender in trusty status as defined by the classification board of the Department of Corrections may be awarded a trusty-time allowance of thirty (30) days' reduction of sentence for each thirty (30) days of participation during any calendar month in an approved program while in trusty status, including satisfactory participation in education or instructional programs, satisfactory participation in work projects and satisfactory participation in any special incentive program. Except for those offenders listed in subsection (2) of this

section, no offender shall be excluded from earning a trusty-time allowance due to the length of the offender's sentence or the nature of the crime for which the offender was convicted.

(2) An offender in trusty status shall not be eligible for a reduction of sentence under this section if:

(a) The offender was sentenced to life imprisonment;

(b) The offender was convicted as an habitual offender under Sections 99-19-81 through 99-19-87;

(c) The offender was convicted of a sex crime; or

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(*** * ***d) The offender was convicted of trafficking in controlled substances under Section 41-29-139.

SECTION 2. Section 47-5-139, Mississippi Code of 1972, is amended as follows:

47-5-139. (1) Except for those inmates listed in this subsection, no inmate shall be excluded from earning an earned-time allowance due to the length of the inmate's sentence or the nature of the crime for which the inmate was convicted. An inmate shall not be eligible for the earned-time allowance if:

(a) The inmate was sentenced to life imprisonment; but an inmate, except an inmate sentenced to life imprisonment for capital murder, who has reached the age of sixty-five (65) or older and who has served at least fifteen (15) years may petition the sentencing court for conditional release;

(b) The inmate was convicted as a habitual offender under Sections 99-19-81 through 99-19-87;

(c) The inmate has forfeited his earned-time allowance by order of the commissioner under Section 47-5-138(2); or

(d) The inmate was convicted of a sex crime * * *.

* * *

(2) An offender under two (2) or more consecutive sentences shall be allowed commutation based upon the total term of the sentences.

(3) All earned time shall be forfeited by the inmate in the event of escape and/or aiding and abetting an escape. The commissioner may restore all or part of the earned time if the escapee returns to the institution voluntarily, without expense to the state, and without act of violence while a fugitive from the facility.

(4) Any officer or employee who shall willfully violate the provisions of this section and be convicted therefor shall be removed from office or employment.

SECTION 3. Section 47-7-3.2, Mississippi Code of 1972, is amended as follows:

47-7-3.2. (1) Notwithstanding * * * Section 47-5-138, 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a criminal offense on or after July 1, 2014, shall be released by the department until he or she has served no less than fifty percent (50%) of a sentence for a crime of violence pursuant to

Section 97-3-2 or twenty-five percent (25%) of any other sentence imposed by the court.

(2) This section shall not apply to:

(a) Offenders sentenced to life imprisonment;

(b) Offenders convicted as habitual offenders pursuant to Sections 99-19-81 through 99-19-87;

(c) Offenders serving a sentence for a sex offense; or

(d) Offenders serving a sentence for trafficking pursuant to Section 41-29-139(f).

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.